

OGC 73-1707

11 September 1973

MEMORANDUM FOR: Deputy Director for Management
and Services

SUBJECT : Disposition of Gift Received by
General Walters

1. It is understood that recently the Deputy Director of Central Intelligence received a gift from a foreign government. It is also understood this gift is of considerable intrinsic value.

2. In the Foreign Gift and Decorations Act of 1966 (P. L. 89-673, 80 Stat. 952, October 15, 1966), Congress gave its limited consent for government officers and employees to accept gifts and decorations from foreign governments. A gift of minimal value may be accepted by an employee, but

... gifts of more than minimal value shall be deemed to have been accepted on behalf of the United States and shall be deposited by the donee for use and disposal as the property of the United States in accordance with the rules and regulations issued pursuant to this Act. Sec. 4, Pub. L. 89-673.

The Act further directs that the rules and regulations necessary to carry out its purposes are to be prescribed by or under the authority of the President. By Executive Order 11320 of December 9, 1966, the President delegated such authority to the Secretary of State.

3. In exercising the delegation of authority, the Secretary of State has promulgated a regulation which is found at 22 C.F.R. 3 (1973). The regulation defines the term "gift of minimal value" to mean any present or other thing which has a retail value not in excess of \$50 in the United States. 22 C.F.R. 3.3(e). When a gift of more than minimal value is tendered and accepted, it is "...accepted and shall be deposited with the Chief of Protocol for disposal..." 22 C.F.R. 3.5(6).

4. Any gift which becomes the property of the United States may be retained for official use by the appropriate agency with the approval of the Chief of Protocol. Any gift not so retained is forwarded to the General Services Administration by the Chief of Protocol for transfer, donation, or other disposal. 22 C.F.R. 3.6. This Office has held that there is no legal objection to retaining gifts which are the property of the United States for official use when the Chief of Protocol is notified. Official use may include placing a gift on display within the Agency or using a gift to decorate an office wall or conference room. The law prohibits the gift from being turned over to the donee. OGC 68-1992, October 10, 1966.

5. This Office will be glad to contact the Chief of Protocol to arrange for the retention of the gift by the Agency and to assist in any other way possible.

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JOHN S. WARNER
Acting General Counsel

OGC:AEG:cap

cc: Office of Personnel

OGC chrono

✓ Subject - Awards, Gifts & Commendations

AEG signer

Added: DDCI 10/1/73